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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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KING, FELICIA C

ART UNIT	PAPER NUMBER
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1784

NOTIFICATION DATE	DELIVERY MODE
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06/16/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/551,813	<b>Applicant(s)</b> LIDSTER ET AL.	
	<b>Examiner</b> FELICIA C. KING	<b>Art Unit</b> 1784	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action

1. **Claims 1, 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395) in view of Vogel et al. (US 5,443,739) and Hekal et al. (US 2004/0071845).**

**Regarding Claims 1 and 4:** Chen discloses a preservative solution where the molar ratio between ascorbic acid/ascorbate ion and calcium salt/calcium ions is 0.5:1 to 4:1 [col. 3, lines 55-58] which can be in the form of a dip [col. 2, lines 15-24] but does not disclose where it contains magnesium ions and where the weight ratio between calcium ions and magnesium ions is between 5.4:1 and 11.3:1 (84% to 91% calcium to magnesium). However, Vogel discloses purified water containing calcium chloride and magnesium chloride supplied for misting vegetables [col. 6, lines 50-54]; that the ratio of calcium chloride and magnesium chloride is 60:20 (60% calcium chloride to 20% magnesium chloride in a mineral solution also containing 20% potassium) or just comparing calcium to magnesium the percentage would be 75% calcium chloride and 25% magnesium chloride; and that the addition of the minerals makes the water taste better and makes it more healthful [col. 6, line 66-68; col. 7, lines 1-9]. Further, Hekal discloses magnesium ions and specifically magnesium chloride in a preservative mixture [para 0017].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen, Vogel, and Hekal before him or her to modify the composition of Chen to include the calcium to magnesium weight ratio of Vogel since magnesium is a suitable

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preserving agent and magnesium could provide its preservation properties in quantities smaller than that required for calcium or in the presence of calcium. Further, it would have been obvious to add the magnesium and calcium ions in such a proportion since it would have been important to provide a preservative dip that did not impose a bitter or undesirable taste in produce. Further, magnesium chloride as recited in Hekal is equivalent to anhydrous magnesium chloride since anhydrous merely means “absent water” and its hydrated form is normally indicated by the term “hexahydrate”.

Although Vogel does not disclose calcium to magnesium ratio in the same amount as disclosed in the instant claim it would have been obvious to adjust the ratio of calcium and magnesium to obtain a preservative solution that contains minerals in amounts that do not negatively affect the taste of the preservative since that discovering an optimum value involves only routine skill in the art.

**Regarding Claim 2:** Chen discloses a preservative solution that the molar ratio between ascorbic acid/ascorbate ion and calcium salt/calcium ions is 0.5:1 to 4:1 [col. 3, lines 55-58] which can be in the form of a dip [col. 2, lines 15-24] but does not explicitly disclose that the molar ratio is between about 2.8:1 to about 3.5:1. However, one having ordinary skill in the art at the time the invention was made would have considered the invention to have been obvious because the compositional proportions taught by Chen overlap the instantly claimed proportions and therefore are considered to establish a prima facie case of obviousness. *In re Malagari* 182 USPQ 549,553.

**Regarding Claims 5, 7, and 8:** Chen discloses that the calcium ions are derived from calcium hydroxide or calcium carbonate [col. 2, lines 61-67].

**2. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395), Vogel et al. (US 5,443,739), and Hekal et al. (US 2004/0071845) as applied to claim 1 above and in further view of Gawad et al. (US 6,054,160).**

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**Regarding Claim 6:** Chen discloses a preservation composition as discussed above and discloses that the calcium ion is calcium chloride but does not explicitly disclose that the calcium ion could be derived from calcium chloride dihydrate. However, Gawad discloses an apple preservative composition that contains calcium chloride dihydrate [col.7, lines 60-67; col. 8, lines 1-15].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen, Vogel, Hekal, and Gawad before him or her to modify the calcium source of Chen for the calcium chloride dihydrate of Gawad because it is essentially a hydrated version of calcium chloride and is well known as a preservative agent and functions well in Gawad as an additive in a composition for preserving produce.

**Regarding Claim 9:** Chen discloses a preservation composition as discussed above and discloses where the calcium ions are calcium hydroxide, calcium carbonate and mixtures of calcium sources [col. 2, lines 61-67, col. 3, lines 1-2] but does not explicitly disclose where the calcium ions are also derived from calcium chloride dihydrate. However, Gawad discloses an apple preservative composition that contains calcium chloride dihydrate [col.7, lines 60-67; col. 8, lines 1-15].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen, Vogel, Hekal, and Gawad before him or her to include among the mixture of calcium sources of Chen, the calcium chloride dihydrate of Gawad, because it is essentially a hydrated version of calcium chloride and is well known as a preservative agent and functions well in Gawad as an additive in a composition for preserving produce.

**3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395), Vogel et al. (US 5443,739) and Hekal et al. (US 2004/0071845) as applied to claim 1 above and in further view of Warren (US 5,055,313).**

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**Regarding Claim 10** Chen discloses a preservative solution as discussed above but does not disclose citric acid as an acidulant (pH adjuster). However, Warren discloses citric acid as an acidulant [col. 3, lines 10-16].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen, Vogel, Hekal, and Warren before him or her to include the citric acid of Warren in order to bring the preservative pH to a level that would inhibit bacterial growth [col. 3, lines 6-8].

**4. Claims 11, 12, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395).**

**Regarding Claims 11 and 12:** Chen discloses a preservative solution and that the molar ratio between ascorbic acid/ascorbate ion and calcium salt/calcium ions is 0.5:1 to 4:1 [col. 3, lines 55-58] which can be in the form of a dip [col. 2, lines 15-24] and discloses ascorbic acid from 1% to 5% and calcium ion from .6% to 5% [col. 3, lines 48-49] but does not explicitly disclose that the calcium ions are present .4% to .68% or where the molar ratio is between about 2.8:1 to about 3.5:1. However, one having ordinary skill in the art at the time the invention was made would have considered the invention to have been obvious because the compositional proportions taught by Chen overlap the instantly claimed proportions and therefore are considered to establish a prima facie case of obviousness. *In re Malagari* 182 USPQ 549,553.

**Regarding Claim 15, 17, and 18:** Chen discloses that the calcium ions are derived from calcium hydroxide or calcium carbonate [col. 2, lines 61-67].

**5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395) as applied to claim 11 above and in further view of Vogel et al. (US 5443,739) and Hekal et al. (US 2004/0071845).**

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**Regarding Claims 13 and 14:** Chen discloses a preservative solution as discussed above but does not disclose magnesium ions having a concentration between 0.06% and .10% and does not disclose that the magnesium ion is derived from magnesium chloride. However, Vogel discloses purified water containing calcium chloride and magnesium chloride supplied for misting vegetables [col. 6, lines 50-54]; that the ratio of calcium chloride and magnesium chloride is 60:20 (60% calcium chloride to 20% magnesium chloride in a mineral solution also containing 20% potassium) or just comparing calcium to magnesium the percentage would be 75% calcium chloride and 25% magnesium chloride; and that the addition of the minerals makes the water taste better [col.6, line 66-68; col.7, lines 1-9]. However, Hekal discloses a preservative solution containing .02% to saturation of magnesium salt [para. 0026]and where the magnesium ion can be in the form of magnesium chloride [para 0017].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen, Vogel, and Hekal before him or her to modify the preservative solution of Chen to include the magnesium chloride of Hekal because magnesium chloride is a suitable as a preservative of fresh produce by maintaining texture, flavor, color, crispness and appearance. Further magnesium maintains its ability to provide freshness to preservative solution when coupled calcium chloride, having the same flavor preservation and freshness properties.

Although Hekal does not disclose the exact concentration range as recited in claim 13, one having ordinary skill in the art at the time the invention was made would have considered the invention to have been obvious because the compositional proportions taught by Hekal overlap the instantly claimed proportions and therefore are considered to establish a prima facie case of obviousness. *In re Malagari* 182 USPQ 549,553.

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**6. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395) as applied to claim 11 above and in further view of Gawad et al. (US 6,054,160).**

**Regarding Claim 16:** Chen discloses a preservation composition as discussed above and discloses that the calcium ion is calcium chloride but does not explicitly disclose that the calcium ion could be derived from calcium chloride dihydrate. However, Gawad discloses an apple preservative composition that contains calcium chloride dihydrate [col.7, lines 60-67; col. 8, lines 1-15].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen and Gawad before him or her to modify the calcium source of Chen for the calcium chloride dihydrate of Gawad because it is essentially a hydrated version of calcium chloride and is well known as a preservative agent and functions well in Gawad as an additive in a composition for preserving produce.

**Regarding Claim 19:** Chen discloses a preservation composition as discussed above and discloses that the calcium ions are calcium hydroxide, calcium carbonate and mixtures of calcium sources [col. 2, lines 61-67, col. 3, lines 1-2] but does not explicitly disclose that the calcium ions are also derived from calcium chloride dihydrate. However, Gawad discloses an apple preservative composition that contains calcium chloride dihydrate [col. 7, lines 60-67; col. 8, lines 1-15].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen and Gawad before him or her to include among the mixture of calcium sources of Chen, the calcium chloride dihydrate of Gawad, because it is essentially a hydrated version of calcium chloride and is well known as a preservative agent and functions well in Gawad as an additive in a composition for preserving produce.



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**7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395) as applied to claim 11 above and in further view of Warren (US 5,055,313).**

**Regarding Claim 20:** Chen discloses a preservative solution as discussed above but does not disclose citric acid as an acidulant (pH adjuster). However, Warren discloses citric acid as an acidulant [col. 3, lines 10-16].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen and Warren before him or her to include the citric acid of Warren in order to bring the preservative pH to a level that would inhibit bacterial growth [col. 3, lines 6-8].

**8. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395) and in further view and Gawad et al. (US 6,054,160) and Chen (US 5,939,117).**

**Regarding Claim 21:** Chen discloses a preservative solution as discussed above and that the preservative solution contains water, ascorbic acid from .5% to 15% [col. 3, lines 49-51] and that the pH is from 3.5 to 7 [col. 4, lines 5-8] but does not disclose that the preservative contains .3% to 1% calcium chloride dihydrate, and 0.06% to 0.5% calcium hydroxide. However, Gawad discloses a preservative solution containing calcium chloride from 0.1% to 1.0% [col. 23, lines 9-11] and where calcium chloride is in its dihydrate form [col. 7, lines 60-62]. However, Chen "117" discloses a preservative solution containing ascorbic acid, calcium chloride, and calcium hydroxide, where the calcium hydroxide is 0.22% [col. 7, lines 10-12].

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen, Gawad, and Chen "117" before him or her to modify the preservative of Chen to include the calcium chloride of Gawad and the calcium hydroxide of Chen "117" because these additives and in the disclosed amounts work to preserve fresh produce.

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Further, although Chen does not disclose where ascorbic acid is present 5.6% to 9% one having ordinary skill in the art at the time the invention was made would have considered the invention to have been obvious because the compositional proportions taught by Chen overlap the instantly claimed proportions and therefore are considered to establish a prima facie case of obviousness. *In re Malagari* 182 USPQ 549,553.

**Regarding Claim 22:** Chen discloses a preservative solution as discussed above and discloses that the preservative solution containing ascorbic acid and calcium chloride also contains .31% calcium carbonate [col. 5, lines 61-66].

Although Chen does not disclose the solution containing about .5% to 1% calcium carbonate, it would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the percentage for the intended application according to the desired level of calcium ions in the solution in proportion with the other sources of calcium in the solution and since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

**9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395), Gawad et al. (US 6,054,160) and Chen (US 5,939,117) as applied to claim 21 above and in further view of Vogel et al. (US 5443,739) and Hekal et al. (US 2004/0071845).**

Chen discloses a preservative solution as discussed above but does not disclose magnesium ions having a concentration of .5%. However, Vogel discloses purified water containing calcium chloride and magnesium chloride supplied for misting vegetables [col. 6, lines 50-54]; that the ratio of calcium chloride and magnesium chloride is 60:20 (60% calcium chloride to 20% magnesium chloride in a mineral solution also containing 20% potassium) or just comparing calcium to magnesium the percentage would be 75% calcium chloride and 25% magnesium chloride; and that

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the addition of the minerals makes the water taste better [col.6, line 66-68; col.7, lines 1-9].

However, Hekal discloses a preservative solution containing .5% to 20% magnesium [para. 0026] and where the magnesium ion can be in the form of magnesium chloride [para 0017]. Gawad discloses calcium chloride dihydrate and Chen “117” discloses calcium hydroxide as discussed above.

It would have been obvious to one of ordinary skill in the art at the time of the invention it having the teachings of Chen, Gawad, Chen “117”, Vogel, and Hekal before him or her to modify the preservative solution of Chen to include the magnesium chloride of Hekal because magnesium chloride is a suitable as a preservative of fresh produce by maintaining texture, flavor, color, crispness and appearance. Further magnesium maintains its ability to provide freshness to preservative solution when coupled calcium chloride, having the same flavor preservation and freshness properties.

**10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,925,395), Gawad et al. (US 6,054,160) and Chen (US 5,939,117) as applied to claim 21 above and in further view of Warren (US 5,055,313).**

**Regarding Claim 24:** Chen discloses a preservative solution as discussed above but does not disclose citric acid as an acidulant (pH adjuster). However, Warren discloses citric acid as an acidulant [col. 3, lines 10-16]. Gawad discloses calcium chloride dihydrate and Chen “117” discloses calcium hydroxide as discussed above.

At the time of the invention it would have been obvious to one of ordinary skill in the art having the teachings of Chen and Warren before him or her to include the citric acid of Warren in order to bring the preservative pH to a level that would inhibit bacterial growth [col. 3, lines 6-8].

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***Response to Arguments***

11. Applicant's arguments, see pgs 6-10, filed 3/15/10, with respect to the rejections of claims 1-10, 13, 14, and 23 under Chen (US 5,925,395) for claims 1, 2, 5, 7, and 8; claim 4 under Chen (US 5,925,395), Gillota (US 2003/0104107), and Hekal et al. (US 2004/0071845); claims 6 and 9 under Chen (US 5,925,395) and Gawad et al. (US 6,054,160); claim 10 under Chen (US 5,925,395) and Warren (US 5,055,313); claims 13 and 14 under Chen (US 5,925,395), Hekal et al. (US 2004/0071845); and claim 23 under Chen (US 5,925,395), Gawad et al. (US 6,054,160), Chen (US 5,939,117) and Hekal et al. (US 2004/0071845) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Chen (US 5,925,395), Vogel et al. (US 5443,739) and Hekal et al. (US 2004/0071845) for claims 1, 2, 4, 5, 7, 8; Chen (US 5,925,395), Vogel et al. (US 5443,739), Hekal et al. (US 2004/0071845), and Gawad et al. (US 6,054,160) for claims 6 and 9; and Chen (US 5,925,395), Vogel et al. (US 5443,739), Hekal et al. (US 2004/0071845), and Warren (US 5,055,313) for claim 10; Chen (US 5,925,395), Vogel et al. (US 5443,739) and Hekal et al. (US 2004/0071845) for claims 13 and 14; Chen (US 5,925,395), Gawad et al. (US 6,054,160), Chen (US 5,939,117), Vogel et al. (US 5443,739), and Hekal et al. (US 2004/0071845) for claim 23.

12. Applicant's arguments filed 3/15/10 regarding claims 11, 12, and 15-22, and 24 have been fully considered but they are not persuasive.

On pages 7-9 regarding the rejection of claims 11 and 21-22 and 24, Applicants assert that because the ranges disclosed in Chen do not directly match the recited ranges (ascorbic acid 5.0 % - 9.0% and calcium .4% to .68%) and because the ranges disclosed in the instant claim provide unexpected results that there was no prima facie case of obviousness. Examiner disagrees because a prima facie case of obviousness can be established by overlapping with portions of the claimed

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proportions. It would have been obvious to one having ordinary skill in the art to select any portion of the disclosed ranges including the instantly claimed ranges from the ranges disclosed in the prior art reference, particularly in view of the fact that; “The normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the optimum combination of percentages”, *In re Peterson* 65 USPQ 2d 1379.

Further Applicants have asserted unexpected results without defining the results or providing evidence of the results. Applicants have only named differences between ranges and have disclosed known effects of ascorbic acid and calcium in high amounts but have not disclosed unexpected results of the preservation composition. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Chen discloses preferences for ascorbic acid content to be higher than calcium content in its references to both molar ratios and weight ratios [col. 3, lines 55-63] and further discloses different concentrations of the preservative solutions containing ascorbic acid consistently present in either nearly equal and more commonly in higher portions than calcium sources [col. 5-6 Tables 1 and 2]. Applicants assert that a high level of calcium imparts a salty or bitter taste and that because the Chen reference discloses calcium at up 5% that it would not have been obvious to use Chen over the instant claim. Examiner disagrees because although Chen discloses using calcium at up to 5% the ranges disclosed by Chen overlaps with the ranges disclosed in the instant claim and therefore would have been considered as within the teachings of the Chen reference. Further in addition to the amount of calcium salt in solution, Chen also discloses the amount of calcium ions being present preferably from about .2% to about 3% [col. 4, lines 1-4]

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which is a range that encompasses the range set forth in the instant claim. Further, Applicants have not provided evidence as to what amount of calcium imparts a bitter taste but only state that high calcium content imparts a bitter taste. Chen acknowledges that the preservative of its invention maintains the freshness, crispness, texture, appearance, color, moisture and flavor of produce [col. 2, lines 33-41] which implies that the proportions of ascorbic acid to calcium and the amounts of calcium disclosed do not impart a taste that would take away from the normal flavor of the food and also implies that a bitter or salty flavor would not have been imparted by the preservative of Chen. Because the Chen reference meets the limitations of the claims by its overlapping ranges and its disclosure of a preservative that maintains the flavor of the vegetable the rejections of claims 11, 21, 22, and 24 stand.

13. On page 9 regarding claims 16 and 19, Applicants assert that the calcium chloride dihydrate is used in a synergistic amount with a completely different type of preservative and that therefore it would not have been obvious to modify the teachings of Chen for Gawad. Examiner disagrees because Gawad was not referenced for its disclosure of its amount in the preservative solution but for its explicit disclosure of calcium chloride dihydrate's usefulness in a preservative in general. Chen discloses everything required by the claim but does not explicitly disclose calcium chloride in its dihydrate form. It would have been obvious to use the dihydrate form because it would not have been as hygroscopic as the anhydrous form. Further it is known that calcium chloride in its dihydrate form is crystallized, would have been more shelf stable, and that the dihydrate form is most often used as a food additive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FELICIA C. KING whose telephone number is (571)270-3733. The

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examiner can normally be reached on Mon- Thu 7:30 a.m.- 5:00 p.m.; Fri 7:30 a.m. - 4:00 p.m.

alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. K./

Examiner, Art Unit 1784

/Jennifer C. McNeil/

Supervisory Patent Examiner, Art Unit 1784

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